

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
DEPARTMENT

**WHEN RECORDED MAIL TO**  
PERMIT INTAKE  
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**DRAFT**  
**PROJECT NO. 1097**  
**COASTAL DEVELOPMENT PERMIT NO. 5134/PLANNED DEVELOPMENT**  
**PERMIT NO. 5133/SITE DEVELOPMENT PERMIT NO. 5135**  
**INN AT LA JOLLA CONDOMINIUMS (MMRP)**  
**CITY COUNCIL**

This Permit is granted by the City Council of the City of San Diego to LA JOLLA SHORES L.P., A CALIFORNIA LIMITED PARTNERSHIP, Owner/Permittee pursuant to the Land Development Code of the City of San Diego. The approximately 4.20 acre site is located at 5450 La Jolla Boulevard in the Zone 4 of the La Jolla Planned District, RM-5-12, RM-3-7, the Coastal Overlay, Coastal Height Limitation Overlay and the Parking Impact Overlay zones of the La Jolla Community Plan area. The project site is legally described as Fractional Block "B" of Bird Rock Villas, Map No. 1563 and All of Block "A" of Bird Rock Villas, Map No. 1563, together with all that portion of the unnamed alley lying within said Block "A" as vacated and closed to public use.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee for the demolition of existing motels, restaurant, and commercial structures, the vacation of a portion of Chelsea Avenue, the vacation of Colima Street between La Jolla Boulevard and Chelsea Avenue, the vacation of an existing easement, and the construction of a mixed residential/commercial project. The project would consist of 14, one, two and three story buildings with subterranean parking to total approximately 265,070 square feet of gross floor area, with 5,900 square feet of commercial use and 259,170 square feet of multifamily residential use including 139 dwelling units. described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated \_\_\_\_\_ on file in the office of the Development Services Department. The facility shall include:

- a. Demolition of existing motels, a restaurant, and commercial structures
- b. Construction of 13, two- and three-story buildings with subterranean parking to total approximately 264,650 square feet of gross floor area, with 5,900 square feet of commercial use and 258,750 square feet of multifamily residential use, including 139 dwelling units; and
- c. Construction of a one-story, 420-square foot pool building and an underground pool and spa; and
- d. Landscaping (planting, irrigation and landscape related improvements); and

- e. Off-street parking facilities; and
  - f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Land Development Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
  2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
    - a. The Permittee signs and returns the Permit to the Development Services Department; and
    - b. The Permit is recorded in the office of the San Diego County Recorder.
  3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
  4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
  5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
  6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)
  7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
  8. At all bus stops within the project area, the applicant shall be responsible for installing sidewalk improvements where needed to comply with American with Disability Act (ADA) requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated \_\_\_\_\_, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the Permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

11. Prior to issuance of any grading permits for this project, a final subdivision map shall be recorded on the subject property.

12. This permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibits "A," dated \_\_\_\_\_, on file in the office of the Development Services Department).

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

13. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Environmental Impact Report or Mitigated Negative Declaration No. 41-0481, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Noise
- Historical Resources (Archaeology)
- Paleontological Resources
- Hydrology/Water Quality

#### **PLANNING/DESIGN REQUIREMENTS:**

14. No fewer than 323 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated \_\_\_\_\_, on file in the

office of Development Services Department. Ten vehicle parking spaces shall be provided at grade for the commercial use and 272 vehicle parking spaces shall be provided for the residential uses in the subterranean garage. Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

15. The ten proposed surface parking spaces shall be reserved for retail use by appropriate signage and marking, satisfactory to the City Manager and the City Engineer.

16. Prior to the issuance of any building permit, the owner/permittee will provide a minimum five foot wide, unobstructed public access easement with a disabled-accessible pathway from the public sidewalk on the west side of La Jolla Blvd to a publically-accessible Scenic Overlook near the westerly site bluff edge. This easement shall be generally in alignment with Colima Street, as it exists on the east side of La Jolla Blvd. A small (approximately one foot square) sign will identify this publically-accessible Scenic Overlook at the juncture of the public sidewalk and the pathway.

17. Prior to issuance of any grading permit, the owner/permittee shall prepare photographs of the site, buildings, and construction and ornamental details, along with a site plan and a landscape plan at 1/4" or other scalable size of the existing development. The information, when submitted shall be turned over to the La Jolla Historical Society by the City Manager.

18. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

19. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone and the Coastal Height Limitation Overlay zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

20. A topographical survey conforming to the provisions of the Municipal/Land Development Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

21. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

22. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the Development Services Department Director. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

23. All signage associated with this project shall comply with City-wide sign regulations, except for that portion within the La Jolla Planned District which shall comply with the La Jolla Commercial and Industrial Sign Control District.
24. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
25. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
26. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
27. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Storage for the Commercial uses must comply with the regulations for such use in the La Jolla Planned District Ordinance.
28. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.
29. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (Land Development Code Sec. ) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked "Exhibit A".

#### **LANDSCAPE REQUIREMENTS:**

30. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with the Land Development Code and Landscape Standards, Exhibit "A," Landscape Development Plan, Brush Management Plan, and Details and Notes on file in the Office of the Development Services.
31. All required landscape plant materials shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
32. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the Landscape Standards. A Landscape Maintenance Agreement and bond shall be entered into prior to issuance of any grading or construction permit. The agreement and bond shall be renewed each year until such time that another approved entity assumes responsibility such as a home owners association or a Landscape Maintenance District.
33. If any required landscape improvements (including existing or new planting, hardscape, landscape features, etc.) are damaged or removed during demolition or construction, they shall be repaired and/or replaced in kind and equivalent size per the approved documents to the

satisfaction of the City Manager, within 30 days of damage and prior to any Certificate of Occupancy.

34. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation plans on duplicates of improvement plans shall be submitted to the City Manager for approval. Plans, details and specifications (including maintenance specifications), and landscape Improvement plans shall indicate each street tree by station points and staking in the field with a lodge pole tree stake prior to any utilities stub-outs. Tree stakes shall remain in place until trees are planted.

35. All tree locations shall have a 40 square feet minimum area around each tree's root zone, which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of any tree. During improvement activities the locations of all trees shall be identified with a lodge pole tree stake and inspected by the field engineer prior to the installation of any wet or dry utility stub-outs and placement of any pavement.

36. Prior to issuance of any engineering permits for grading, landscape construction documents (including irrigation plans) for slope planting, erosion control, re-vegetation and hydroseeding shall be submitted to the City Manager for approval.

37. Immediate installation of slope planting and erosion control, including seeding of all disturbed land (slopes and pads) and associated irrigation systems (temporary and/or permanent) is considered to be in the public's interest. Planting of all graded slopes shall be accomplished prior to any issuance of a build permit for structures. A letter of substantial conformance from the landscape architect or designer shall be submitted to the city manager for approval.

38. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape improvements and obtain all required landscape inspections. A No Fee Street Tree Permit, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

39. In the event that a Foundation Only permit is requested by the Permittee or subsequent Owner, a staking layout plan identifying all landscape areas shall be submitted to the City Manager for approval. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "Planting Area (PA)."

40. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation plans, details and specifications (including maintenance specifications), shall be submitted to the City Manager for approval.

#### **ENGINEERING REQUIREMENTS:**

41. The Permit shall comply with the conditions of the final map for the Inn at La Jolla Condominiums, Vesting Tentative Map No. 1272.

42. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, half width improvements along project frontage on La Jolla Boulevard including 39 feet of pavement, curb, gutter and 5-foot sidewalk within 10-foot curb to property line distance, satisfactory to the City Engineer. However, applicant can enter into a deferred improvement agreement with City of San Diego for this improvement.

43. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, improvements along project frontage on Chelsea Avenue to provide minimum of 28 feet pavement ( with no parking allowed on the east side of the roadway) with proper transition to meet the existing curb line on the south side of the project, curb, gutter and 4-foot sidewalk within a 9'-0" to 10'-0" foot curb to property line distance, satisfactory to the City Engineer.
44. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, replacement of all abandoned driveways on La Jolla Boulevard and Midway Street along project frontage, satisfactory to the City Engineer.
45. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, applicant shall construct full height curb, gutter and 5-foot sidewalk within 10-foot curb to property line distance along La Jolla Boulevard where Colima Street being vacated, satisfactory to the City Engineer.
46. Prior to the issuance of the first building permit applicant should provide "No Parking Anytime" signs on the east side of Chelsea Avenue along project frontage where the pavement width does not exceed 34 feet curb to curb, satisfactory to the City Engineer.
47. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, the construction of a raised center median along project frontage on La Jolla Boulevard, satisfactory to the City Engineer. However, applicant can enter into a deferred improvement agreement with City of San Diego for this improvement.
48. The applicant shall install bollards/gate which can only be accessible to the City at the southerly 12'-0" driveway on La Jolla Boulevard for accessing the sewer facilities. The bollards/gate shall be located at least 20'-0" from the propertyline, satisfactory to the City Engineer.
49. Prior to the issuance of any building or grading permits, the developer shall abandon the existing 21" sewer main that traverses the site, or obtain special approval, satisfactory to the Metropolitan Wastewater Department Director.
50. The developer shall provide, satisfactory to the Metropolitan Wastewater Department Director, CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.
51. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
52. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) and grants of appropriate easements, and the removal of existing unused services adjacent to the project site within the La Jolla Boulevard and Chelsea Avenue rights-of-way, in a manner satisfactory to the Water Department Director and the City Engineer. No new water services shall be tapped from the water facilities within the Chelsea Avenue right-of-way.
53. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the cut and plug of the existing public water facilities located within the Colima Street

right-of-way to be vacated, in a manner satisfactory to the Water Department Director and the City Engineer.

54. All on-site water facilities shall be private including domestic, irrigation, and fire systems.

55. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibits "A," shall be modified at final engineering to comply with standards.

### **INFORMATION ONLY**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_.